



DATE: December 30, 2002 cla034.02
TO: SEE DISTRIBUTION
FROM: Union-Management Administrative Committee
Holidays/4 – 10's Language Subcommittee
SUBJECT: CONSTRUCTION LABOR AGREEMENT INTERPRETATION

On May 21, 1998, a clarification from a previous subcommittee was issued regarding the language contained in Article XI, Section 2 and 3 of the CLA. That clarification is hereby re-stated, and additional language added to clarify the effect on holidays.

1. CLARIFICATION OF THE 4 - 10'S LANGUAGE - ARTICLE XI, SECTIONS 2 & 3:

Make-up days are for conditions that affect the employer and are beyond his control. Weather, Security Standdowns, Y-12 Nuclear Manufacturing Start-up Associated Standdowns, or Safety Standdowns that are caused by others but directly affect the employer, were the primary considerations when this language was expanded from the PLA make-up day language that only addressed weather. This language was not intended to cover individual activities such as employees who missed a day or portion thereof due to their own personal circumstances.

A. An entire work day must be scheduled - 10 hour minimum.

B. The entire work order/contractors crew is entitled to work - the individuals may choose not to work - it is not mandatory. However, this would not apply to service crafts who may not be necessary. If part of the work order or crew have already completed a regular 40 hour week (4 - 10 hour days), then Friday cannot be a make-up day. Therefore, if it is scheduled it will be an overtime day for ALL of the employees, regardless of the number of hours worked by any individual. Example 1: The employer has four employees. Two employees are at 40 hours and two are at 20 hours through Thursday. Friday is scheduled as a work day - it will be overtime for everyone at time and one-half. Example 2: The employer has four employees. Through Thursday, two employees are at 36 hours and two others are at 20 hours due to weather or other conditions beyond the control of the employer. If desired by the employer, Friday may be scheduled as a 10 hour make-up day. For Friday, Two employees will be paid 4 hours straight time and 6 hours overtime, and two employees will be paid 10 hours straight time.

2. HOLIDAYS AND 4 – 10's LANGUAGE

As stated above, the make-up day was intended to cover conditions beyond the control of the employer. Holidays are not a condition beyond the control of the employer. When bidding or proposing on work, it is the responsibility of the bidder or proposer to identify holidays which may fall during the construction phase of the contract. Holidays are paid at the rate of double time. For instance, a contractor cannot observe a Monday Holiday and then schedule work on Friday as a make-up day at straight time to make-up for the work time lost on Monday. Holidays are scheduled and do not fall into the area of an unexpected occurrence.

SUBCOMMITTEE MEMBERS:

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